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Tr.C.M.P.No.174 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.174 of 2024

and

C.M.P.No.3508 of 2024

Bhuvaneswari

... Petitioner

Vs.

Iyappan

...Respondent

PRAYER in Tr.C.M.P.No.174 of 2024 : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the HMOP No.65 of 2023 on the file of the Family Court, Mannargudi, Tiruvarur district to the Family Court at Nagapattinam.

PRAYER in C.M.P.No.3508 of 2024: To grant an interim stay of entire proceedings pertaining to the HMOP No.65 of 2023 on the file of the Family Court, Mannarkudi until disposal of this main petition.

For Petitioner : Mr.K.M.Subramanian

For Respondent : served/no appearance



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ORDER

Heard.

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2. This Transfer Civil Miscellaneous Petition has been filed by the petitioner-wife seeking withdrawal of H.M.O.P. No.65 of 2023 pending before the Family Court, Mannargudi, Thiruvarur District and transfer of the same to the Family Court, Nagapattinam.

3. The petitioner states that the respondent-husband has instituted H.M.O.P. No.65 of 2023 seeking restitution of conjugal rights before the Family Court, Mannargudi. She alleges that immediately after the marriage, she was subjected to dowry harassment, physical abuse, mental cruelty, and that her pregnancy was aborted under suspicious circumstances.

4. She further states that she resides at Vadugacherry Village, Nagapattinam District, whereas the Family Court at Mannargudi is situated more than 65 kilometres away, with no direct bus facilities. She describes the multiple transport changes required, the financial burden, and the necessity for her aged parents to accompany her on every hearing, causing severe hardship and mental agony. In these circumstances, she seeks transfer of the proceedings to Nagapattinam, which is proximate to her residence and easily accessible.



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5. Matrimonial transfer petitions are governed by the settled principle that convenience of the wife is the primary consideration, particularly when she is living alone or dependent on elderly parents. In the present case, the petitioner has established, through her affidavit and supporting documents, that she lives considerably far from Mannargudi; that transport connectivity to Mannargudi is inconvenient and burdensome; that she is dependent on her aged parents for travel and safety and attending proceedings at Mannargudi causes substantial hardship.

6. No special inconvenience would be caused to the respondent if the matter is transferred to Nagapattinam, which is a competent Family Court having concurrent jurisdiction. On balancing the equities, and in the interest of ensuring effective access to justice to the petitioner-wife, this Court finds sufficient cause to order transfer of the pending matrimonial proceedings. For the reasons stated above, this Court is inclined to allow the transfer sought for.

7. Accordingly, Tr.C.M.P. No.174 of 2024 is allowed. H.M.O.P. No.65 of 2023, on the file of the Family Court, Mannargudi, is withdrawn and transferred to the file of the Family Court, Nagapattinam. The Family Court, Mannargudi, shall transmit the entire records in H.M.O.P.No.65 of 2023 to the Family Court, Nagapattinam, within three (3) weeks from the date of receipt of this order, and the Family Court, Nagapattinam, shall dispose of the matter in

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accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. The interim stay granted by this Court on 22.02.2024 shall stand vacated, and C.M.P. No.3508 of 2024 is closed. There shall be no order as to costs.

09.12.2025

mfa/dpq

Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

1.The Family Court,
Mannargudi, Tiruvarur district.

2.The Family Court
Nagapattinam.



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DR. A.D. MARIA CLETE, J

mfa/dpq

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